

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**ANDREW CUMMING**

§

**PLAINTIFF**

§

v.

§

**CAUSE NO. 1:08CV273 LG-RHW**

§

**BEAU VIEW OF BILOXI, LLC**

§

**and JOHN DOES 1-10**

§

**DEFENDANTS**

**MEMORANDUM OPINION AND ORDER GRANTING  
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

THERE CAME ON for consideration the motions for summary judgment filed by the Plaintiff, Andrew Cumming, and the Defendant, Beau View of Biloxi, LLC. Cumming alleges that Beau View violated the registration and disclosure requirements of the Interstate Land Sales Full Disclosure Act in regard to his purchase of a condominium in the Beau View Towers. He signed a contract to purchase the condominium on July 6, 2005 and closed sometime thereafter. Compl. 2. The Beau View did not comply with any requirement of the ILSFDA in regard to the sale because, it asserts, it had arranged its sales in a way that exempted the project from the Act. After careful consideration of the parties' submissions and the relevant law, it is the Court's opinion that the Plaintiff will be unable to show that Defendant violated the ILSFDA. The Court's reasons are set out in the Memorandum Opinion and Order granting Defendant's Motion for Summary Judgment [41] in *Nickell, et al. v. Beau View of Biloxi, LLC, et al.*, cause no. 1:08cv272 LG-RHW, and adopted herein by reference. Accordingly, the Defendant is entitled to judgment as a matter of law.

**IT IS THEREFORE ORDERED AND ADJUDGED** that the Defendant's Motion [29] for Summary Judgment is **GRANTED**. Plaintiff's claims are **DISMISSED WITH PREJUDICE**.

**IT IS FURTHER ORDERED AND ADJUDGED** that Plaintiff's Motion [28] for Partial Summary Judgment is **DENIED**.

**IT IS FURTHER ORDERED AND ADJUDGED** that Defendant's Motion [32] for Partial Summary Judgment is **DENIED AS MOOT**.

**SO ORDERED AND ADJUDGED** this the 20<sup>th</sup> day of January, 2010.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.  
UNITED STATES DISTRICT JUDGE